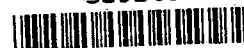




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

339248



Re: In the Matter of American Can Company, et al.,
EPA Administrative Order Index No. II-CERCLA-50102;
In the Matter of General Dynamics Corp., et al.
EPA Administrative Order Index No. II-CERCLA-50105;
In the Matter of Apex Color Works, Inc., et al.,
EPA Administrative Order Index No. II-CERCLA-50107;

Duane Marine Site, Perth Amboy, New Jersey

Dear Sir or Madam:

The first of the above-captioned administrative orders, Index No. II-CERCLA-50102, was issued to 35 Respondents on December 4, 1984. Certain revisions to the terms of that Order were made by letter memorandum, issued and effective on December 18, 1984.

The second of the above-captioned Orders, Index No. II-CERCLA-50105, was issued to 3 Respondents on December 19, 1984. Certain revisions to the terms of both Orders were made by letter memorandum, issued and effective on January 16, 1985.

On January 23, 1985, EPA withdrew its Orders with respect to former Respondents Bell Laboratories, Division of American Telephone & Telegraph Co.; Bird & Son, Inc.; NL Industries; Rusty Scupper Restaurant; and Township of Mahwah.

The third of the above-captioned Orders, Index No. II-CERCLA-50107, was issued to 22 Respondents on March 22, 1985.

On June 28, 1985, EPA withdrew its Orders with respect to former Respondents Emerson Quiet Kool Corporation; Midland Glass Company; Inc., and Two Guys Department Stores.

Paragraph 47 of the first Order, and the corresponding paragraphs 53 of the second Order and 55 of the third Order, required the completion of all work pursuant to each Order within six months of the effective date of each Order.

Paragraph 30 of the first Order, and the corresponding paragraph 36 of the second Order, required the Respondents to implement an EPA-

approved work plan. The EPA-approved work plan was deemed incorporated into the Orders. Paragraph 38 of the third Order required the Respondents to that Order to join the Respondents to the two prior Orders in performing the removal work outlined in the EPA-approved work plan.

By its terms, the work plan specified September 2, 1985, as the date for the completion of the removal work.

During the summer of 1985, as the work progressed, EPA was notified of a possible need for adjustments to the schedule for the work. On August 29, 1985, the Duane Marine Steering Committee, and its members who have committed to perform the removal work, wrote to EPA to make a formal request for an extension of the time period within which the work specified in the Orders was to be completed. The request has been repeated in subsequent communications which also served to keep EPA informed of relevant facts as they developed.

Among the reasons given by the Committee for the need for an extension of time are the following:

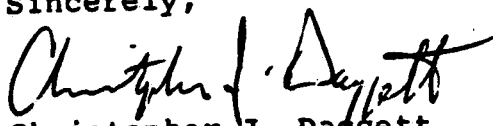
1. Laboratories handling analytical work for the Committee were slow in reporting their results. Decisions as to the ultimate disposition locations for on-site wastes depended upon these laboratory reports. Consequently, physical staging aspects of the work were delayed until the laboratory reports had been received.
2. During a period of time in July, progress of on-site work slowed, then halted, pending an EPA decision concerning the availability of the facility named in the Phase II contract as the ultimate site for disposal of hazardous wastes leaving the Duane Marine site.
3. During a period of time in October and November, negotiation of contracts for transportation and off-site disposal of PCB-contaminated materials from the 250-gallon green tank at the site was postponed pending an EPA decision concerning the ultimate disposition of the PCBs.
4. Technical considerations affecting the ultimate disposal of PCB-contaminated materials from the 250-gallon green tank have lengthened the contracting process for remaining Phase II work, as well as the performance time projected for the disposal of these materials.

Contemporaneous reports of these and other facts were made by Respondents' Designated Coordinator to EPA's On-Scene Coordinator. He has had no criticism of the diligence with which the work has been pursued at the site.

Accordingly, by this letter, and pursuant to the authority of §106 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9606, duly delegated to me, I confirm that the aforementioned terms of the subject Orders, namely, paragraphs 30 and 47 of the first Order, Index No. II-CERCLA-50102; paragraphs 36 and 53 of the second Order, Index No. II-CERCLA-50105; paragraphs 38 and 55 of the third Order, Index No. II-CERCLA-50107; and the relevant provision of the work plan which specifies the date of completion, are hereby revised as follows, and that the revision is to be effective immediately:

The date specified in the three Orders and in the revised work plan for the completion of the removal work is to be March 15, 1986. By the close of business on March 15, 1986, the removal work is to be completed with respect to all tasks named in the Orders including the disposal of the PCB-contaminated materials in the 250-gallon green tank.

Sincerely,


Christopher J. Daggett
Regional Administrator

Date: FEBRUARY 19, 1986

Duane Marine Steering Committee c/o
Mr. John F. Lynch Jr., Esq.
Carpenter, Bennett & Morrissey
Gateway Three
100 Mulberry St.
Newark, NJ 07102

G & W Laboratories Inc.
111 Coolidge St.
South Plainfield, NJ 07080
Att: Ronald Greenblatt

Apex Color Works, Inc
64 Chapel Street
Newark, NJ 07105
Att: President or General Counsel

Mr. Jerome Lightman
Lightman Drum Co.
P.O. Box 22
Berlin, NJ 08009

Autocar, Inc.
Exton, PA.
Attention: Company President

Clifford Clavin
Vice President
New Jersey American Warehouse
2500 Brunswick Ave.
Linden NJ 07036

Cosden Oil and Chemical Co, Inc.
P.O. Box 316
Windsor, NJ 08561
Attention: Gary C. Reed

G & W Laboratories c/o
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Ravin, Sarasohn et al
80 Main St.
West Orange, NJ 07052

Perth Amboy Dry Dock Co., Inc.
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Perth Amboy, NJ 08862
Attn: Alfred C. Bruggmann

Cosden Oil & Chemical Co. c/o
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Attention: Gary C. Reed

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P.O. Box 2511
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Attention: Harold F. Hees

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Att: President or General Counsel

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Lightman Drum Co.
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Lightman Drum Company Inc.
P.O. Box 22, Berlin, New Jersey 08009

COPY
M. Thompson

March 27, 1985

Ms. Janet Feldstein
United States Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Re: Duane Marine Salvage Corp.

Dear Ms. Feldstein:

In reply to a letter I received from Douglas R. Blazey dated March 22, 1985 and the enclosed Administrative Order, no waste from Lightman Drum Co., Inc. ever was taken to Duane Marine.

Lightman Drum Co., Inc. only operated as a hauler and transfer site. In fact, the following named companies were customers of Lightman Drum Co., Inc. and it was their wastes that were taken. They are Autocar, Inc., Continental Can Co., Del Val Ink and Color, and Maas & Waldstein Co. Please check the letter I sent on November 29, 1984.

Therefore, Lightman Drum Co., Inc. is not a generator respondent as is stated.

Please advise as to how I may substantiate since I am representing myself in this matter.

Yours truly,

JEROME LIGHTMAN

LIGHTMAN DRUM CO., INC.

JL:ks
encl.